

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID TROUPE,

Plaintiff,

v.

WILLIAM SWAIN, et al.,

Defendants.

CASE NO. 3:16-CV-05380-RJB-DWC

ORDER GRANTING MOTION TO
AMEND

Plaintiff David Troupe, proceeding *pro se* and *in forma pauperis*, initiated this action pursuant to 42 U.S.C. § 1983. Presently pending before the Court is Plaintiff's Motion to Allow Leave to Amend ("Motion") and attached proposed amended complaint. Dkt. 8.

Pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure,

A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

1 The Motion is Plaintiff's first motion to amend and he has not previously amended his
2 Complaint in this case. Plaintiff's Complaint has also not been served. Therefore, Plaintiff's
3 Motion to Amend is granted as a matter of course. *See Trudeau v. Direct Marking Concepts,*
4 *Inc.*, 90 Fed.Appx 486 (9th Cir. 2003) (finding the plaintiff was allowed to amend his complaint
5 as a matter of right when the motion to amend was filed before the defendant filed a responsive
6 pleading).

7 Accordingly, Plaintiff's Motion is granted, and Plaintiff's proposed amended complaint,
8 attached to his Motion, is hereby deemed filed as Plaintiff's First Amended Complaint. *See* Dkt.
9 8-1. The Clerk is directed to separately docket Plaintiff's proposed amended complaint (Dkt. 8-
10 1) as Plaintiff's First Amended Complaint.

11 Dated this 6th day of June, 2016.

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14 David W. Christel
United States Magistrate Judge

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